



Federal Communications Commission
Washington, D.C. 20554

July 9, 2009

DA 09-1512

Elizabeth R. Sachs
Lukas, Nace, Gutierrez & Sachs, LLP
1650 Tysons Blvd., suite 1500
McLean, VA 22102

Re: Withdrawal of application for review

Dear Ms. Sachs:

On May 21, 2007, the Dallas Area Rapid Transit Authority (DART) filed an application for review of the Mobility Division's partial denial¹ of DART's petition for reconsideration of the Public Safety and Critical Infrastructure Division's² denial³ of DART's request that the Commission reinstate its permanent authorization for frequency 936.9000 MHz under Call Sign WNJU479, Dallas, Texas, and revoke the co-channel license issued to Samuel Moses (Moses) under Call Sign WPTG843, Dallas, Texas. Subsequently, DART's application (File No. 0003281568) to operate on the frequency formerly authorized under Call Sign WNJU843 was granted, as was the application (File No. 0003300927) of Moses's successor-in-interest to cancel the license for Station WPTG843. Consequently, DART has obtained the relief it sought in the application for review. On July 7, 2009, DART sought to withdraw the application for review. We have reviewed DART's request, and conclude, based on the circumstances presented, that good cause exists to permit DART to withdraw the application for review.

Accordingly, IT IS ORDERED that, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.8 of the Commission's Rules, 47 C.F.R § 1.8, the request to withdraw filed by the Dallas Area Rapid Transit Authority on July 7, 2009 IS GRANTED. This action is taken under delegated authority pursuant to Section 0.131 and 0.331 of the Commission's Rules, 47 C.F.R §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

¹ Samuel Moses, *Order on Reconsideration*, 22 FCC Rcd 7425 (WTB MD 2007).

² Pursuant to a Commission reorganization effective September 25, 2006, certain duties of the Public Safety and Critical Infrastructure Division were assumed by the Mobility Division. See *Establishment of the Public Safety and Homeland Security Bureau*, *Order*, 21 FCC Rcd 10867 (2006).

³ Samuel Moses, *Order*, 21 FCC Rcd 7205 (WTB PSCID 2006).

Cc: MD chron
S Stone
S Kimball